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ADMITTED IN MISSOURI AND KANSAS
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February 1, 2010

VIA EMAIL AND FIRST CLASS MAIL

Samuel K. Lipari
803 S. Lake Drive
Independence, Missouri 64053

Re: Lipari v. Chapel Ridge Multifamily, LLC, et al.

Dear Mr. Lipari:

I received with interest your email correspondence of January 27, 2010. I want to direct you to Missouri Supreme Court Rule 43.01, a copy of which is enclosed. You will note that Supreme Court Rule references that service of pleadings and other filings under the Missouri Supreme Court Rules can be served via First Class Mail and that service cannot be made electronically without consent of the party. I will take your email as your consent to serve you by email per that same rule.

Additionally, I note that you have listed attorneys with Swanson Midgley in your email address. As Swanson Midgley is my client, please cease all direct communication with that firm or its lawyers on this matter. If you want to communicate with them, please do that through our office only.

Very truly yours,

MORROW, WILLNAUER & KLOSTERMAN, L.L.C.

By J. C. Morrow
J. C. Morrow, L.L.C.

JCM/klw

Westlaw.

Supreme Court Rule 43.01

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Vernon's Annotated Missouri Rules Currentness

Supreme Court Rules

Rules of Civil Procedure

"fiiJ Part I. Rules Governing Civil Procedure in the Circuit Courts

"fiiJ Rule 43. Service and Filing of Pleadings and Papers (Refs & Annos)

... 43.01. Service of Pleadings and Other Papers

(a) Service-When Required. Each affected party shall be served with:

(1) Every pleading subsequent to the original petition;

(2) Every written motion, other than one that may be heard ex parte; and

(3) Every written notice, appearance, demand, offer of judgment, order, and similar paper that by statute, court rule or order is required to be served.

No service need be made on parties in default for failure to appear, except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons.

<Text of subd. (b) eff. until January 1, 2009>

(b) Service on Attorney. Whenever under these rules or any of the statutes of this state service is required or permitted to be made upon a party represented by an attorney of record, the service shall be made upon the attorney unless service upon the party is ordered by the court. When a party is represented by more than one attorney, service may be made upon any such attorney. If an attorney has filed a notice of limited appearance for an otherwise self-represented person, service of papers shall be made on the self-represented person and not on the attorney unless the attorney acting within the scope of limited representation serves the other party or the other party's attorney with a copy of the notice of limited appearance setting forth a time period within which service of papers shall be upon the attorney for the otherwise self-represented party.

<Text of subd. (b) eff. January 1, 2009.>

(b) Service on Attorney. Whenever under these rules or any of the statutes of this state service is required or permitted to be made upon a party represented by an attorney of record, the service shall be made upon the attorney.

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ney unless service upon the party is ordered by the court. When a party is represented by more than one attorney, service may be made upon any such attorney. If an attorney has filed a notice of limited appearance for an otherwise self-represented person, service shall be made on the self-represented person and not on the attorney unless the attorney acting within the scope of limited representation serves the other party or the other party's attorney with a copy of the notice of limited appearance setting forth a time period within which service shall be upon the attorney.

(c) Service--How and by Whom Made. Attorneys and non-represented parties shall state in the signature blocks of their pleadings their current mailing addresses, telephone numbers, facsimile numbers, and electronic addresses. This information shall be kept current at all times. Service may be directed to any of these addresses, except service to an electronic mail address. Service to an electronic mail address can only be made on those filing a consent to such service substantially in the form of Civil Procedure Form No. 17.

Unless otherwise ordered by the court, service required by Rules 43.01(a) and 43.01(b) may be made in the following manner:

(1) Upon the attorney:

(A) By delivering a copy to the attorney;

(B) By leaving a copy at the attorney's office with a clerk, receptionist, or secretary or with an attorney employed by or associated with the attorney to be served;

(C) By facsimile transmission;

(D) By electronic mail to a consenting attorney; or

(E) By mailing a copy to the attorney at the attorney's last known address;

(2) Upon a party:

(A) By delivering or mailing a copy to the party;

(B) By facsimile transmission;

(C) By electronic mail to a consenting party; or

(D) By serving a copy in the manner provided for service of summons in Rule 54.13.

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(d) Service--When Complete. Personal service on attorneys and non-represented parties and service by leaving a copy at the attorney's office is complete upon delivery.

Service by mail is complete upon mailing.

Service by facsimile transmission or electronic mail is complete upon transmission, except that a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m. shall be complete on the next day that is not a Saturday, Sunday, or legal holiday.

(e) Service--How Shown. Service may be shown by acknowledgment of receipt, by affidavit or by written certificate of counsel making such service. Affidavits of service and counsel's certificates of service shall state the:

(1) Name of each person served;

(2) Date of service;

(3) Method of service; and

(4) Address of service, such as mailing address, facsimile number or electronic mail address.

(f) Service--Numerous Defendants. If there are unusually large numbers of defendants in an action, the court, upon motion or of its own initiative, may order that:

(1) Service of the pleadings of the defendants, and reply thereto, need not be made as between the defendants;

(2) Any cross-claim, counterclaim, or pleading constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties; and

(3) The filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties.

A copy of every such order shall be served upon the parties in such manner and form as the court directs.

(g) Service--Time of Service--When No Time Specified. When provision is made for the time of filing papers and none is made for the time of service thereof, copies shall be served on the day of filing or as soon thereafter as can be done.

(h) Service of Orders, Judgments and Other Documents. Any order, judgment or other document issued by

the court may be transmitted to the attorney or party as authorized in Rule 43.01(c), provided service pursuant to Rule 54 is not required. Such documents may be transmitted to non-parties in the same manner as is authorized for service upon an attorney.

CREDIT(S)

(Adopted Feb. 1, 1972, eff. Sept. 1, 1972. Amended Jan. 19, 1973, eff. Sept. 1, 1973; May 22, 1987, eff. Jan. 1, 1988; July 31, 1990, eff. July 1, 1991; June 1, 1993, eff. Jan. 1, 1994; Sept. 28, 1993, eff. Jan. 1, 1994; April 23, 1996, eff. Jan. 1, 1997; June 21, 2005, eff. Jan. 1, 2006; Dec. 27, 2007, eff. July 1, 2008. Amended June 23, 2008, eff. Jan. 1, 2009.)

Current with amendments received through 11/20/2009.

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